

THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

NADIM KHOURI KLINK, an individual,)
and PC DESIGN SARL, a foreign business)
entity,)

CASE NO.

Plaintiff,)

vs.)

Filed Under Seal

M&H PERFUMES, INC., A New)
York corporation, d/b/a M & H)
PERFUMES d/b/a SHALIMAR)
PERFUMES, INC.; N. TILANI)
FRAGRANCES, INC., a New York)
Corporation, d/b/a N. TILANI)
FRAGRANCE; AKB PERFUME, INC.,)
a New York corporation, d/b/a AKB)
PERFUME d/b/a TOP QUALITY)
PRODUCTS; TOP QUALITY)
PRODUCTS, INC., a New York)
corporation, d/b/a TOP QUALITY)
PRODUCTS d/b/a AKB PERFUME;)
METRO PERFUME, INC., a New York)
Corporation, d/b/a METRO PERFUME;)
ORKAY ENTERPRISES, INC., a New)
York corporation, d/b/a ORKAY)
ENTERPRISES; G.N. PERFUMES, INC.,)
a New York corporation d/b/a G.N.)
PERFUMES; TK PERFUMES, INC., a)
New York corporation, d/b/a TK)
PERFUMES; and DOES 1-10,)
Defendants.)

**DECLARATION OF STEPHEN M. GAFFIGAN IN SUPORT OF PLAINTIFFS'
EMERGENCY *EX PARTE* APPLICATION FOR: (A) TEMPORARY RESTRAINING
ORDER AND SEIZURE ORDER; (B) ORDER TO SHOW CAUSE WHY A
PRELIMINARY INJUNCTION SHOULD NOT ISSUE; (C) SUBSTITUTE CUSTODIAN
ORDER; (D) EXPEDITED DISCOVERY; AND (E) AN ORDER TEMPORARILY
SEALING THE COURT FILE**

Declaration of Stephen M. Gaffigan

1. I am an attorney for the Plaintiffs engaged to coordinate their nationwide anti-counterfeiting efforts. I am duly authorized and licensed to practice law before all courts in the State of Florida, the Southern and Middle Districts of Florida, the Eastern District of Michigan, and the Eleventh and Federal Circuits Court of Appeal. I am personally knowledgeable of the matters set forth in this Declaration and if called upon to do so, I could and would competently testify to the facts set forth below.

2. On May 1, 2008, I provided notice of Plaintiffs' Application for an Order of Seizure to the United States Attorney for the Southern District of New York pursuant to 15 U.S.C. § 1116(d)(2). A true and correct copy of my letter to United States Attorney, Michael J. Garcia, is attached hereto as Exhibit "1."

3. Neither PC Design's investigation of the Defendants, nor the fact that PC Design is seeking a temporary restraining order and seizure order has been made public by myself nor any employee or representative of my firm.

FURTHER DECLARANT SAYETH NAUGHT.

I declare under penalty of perjury under the laws of the United States of America that the foregoing factual statements are true and correct.

Dated this 5th day of May, 2008.


Stephen M. Gaffigan *CS*

Declaration of Stephen M. Gaffigan

LAW OFFICES
STEPHEN M. GAFFIGAN, P.A.

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May 1, 2008

Via Facsimile (212) 637-2684

Michael J. Garcia
United States District Attorney
Southern District of New York
86 Chambers Street
New York City, New York 10007

Re: Klink, et al. v. M&H Perfumes, Inc., et al.

Dear Mr. Garcia:

This firm represents Nadim Khouri Klink and PC Design Sarl ("PC Design"), in connection with anti-counterfeiting matters, and is filing an emergency *ex parte* application for a seizure order, to be entered in the Southern District of New York against the following entities at the following locations:

M&H Perfumes, Inc. d/b/a M & H Perfumes d/b/a Shalimar Perfumes, Inc.
A New York corporation
1214 B Broadway, New York, New York 10001,
1214 Broadway, New York, New York 10001, and
1200 Broadway 29th Street, New York, New York 10001

N. Tilani Fragrances Inc. d/b/a N. Tilani Fragrances
A New York corporation
1193 Broadway, Store #5
New York, New York 10001

AKB Perfume, Inc. d/b/a AKB Perfume d/b/a Top Quality Products
A New York corporation
1173 Broadway
New York, New York 10001-7505

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Top Quality Products Inc. d/b/a Top Quality Products d/b/a AKB Perfume
A New York corporation
1173 Broadway
New York, New York 10001-7505

Metro Perfume, Inc. d/b/a Metro Perfume
A New York corporation
1177-B Broadway
New York, New York 10001

Orkay Enterprises, Inc. d/b/a Orkay Enterprises
A New York corporation
1232 Broadway, Store #9
New York, New York 10001

G.N. Perfumes, Inc. d/b/a G.N. Perfumes
A New York corporation
1185 Broadway
New York, New York 10001

TK Perfumes, Inc. d/b/a TK Perfumes
A New York corporation
1226 Broadway
New York, New York 10001

This correspondence is to provide you with notice of the requested seizure pursuant to 15 U.S.C. § 1116(d)(2).

Sincerely,


Stephen M. Gaffigan